REMARKS/ARGUMENTS

Claims 1-33 are presented for examination. Reconsideration of the above-identified application is respectfully requested.

1. Summary of the Office Action

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fields et al. (U.S. Patent No.6,581,109) in view of Swen et al. (U.S. Patent No. 5,806,081).

2. Response to § 103 Rejections

The Office Action correctly stated that Fields fails to disclose "a set of default image display characteristics" recited in claim 1 and therefore combined Fields with Swen to show this feature.

While Fields is directed at a system where a web page image is modified "on-the-fly" for a specific client machine according to calibration parameters that are generated during a on-time calibration at the client and then *stored at the server* (Fields, 2: 17-26), Swen attempts to address performance problems related to having to load the entire device profile into RAM in order to perform color matching. Swen, therefore, suggests method and system for *embedding a device profile into a document* and extracting a device profile from a document in a color management system (Swen, Abstract). Because Swen and Fields are directed at distinct and unrelated problems, it would not be logical to combine these references.

The Office Action uses the reference to a default color matching *method* (CMM) in Swen to show "the set of default image display characteristics" of claim 1. It is submitted that a color matching *method* is not the same as a set of **characteristics**, and therefore a default CMM in Swen may not be used to show "the set of default image display characteristics" of claim 1.

Although Swen discloses tools for matching colors, where such tools may be provided with a default system color profile (Swen, 2: 14-42), there is no indication in Swen that it

2

is possible to use this default profile for display on the client computer, where the default profile values are unrelated to the image characteristics of the client computer. On the contrary, Swen explains that *each device in the color processing system may have its own device profile* that describes the basic color characteristics of the device, such as data relating to the device's color space, gamut, and tonal reproduction curves. (Swen, 5: 2-20.) Therefore, a default system color profile in Swen is different from "a set of default image display characteristics" of claim 1 that are to be used to adjust the requested image in accordance with the set of default characteristics.

Thus, Swen, whether considered separately or in combination with Fields, fails to disclose or suggest "selecting a set of default image display characteristics **to adjust the requested image in accordance with the set of default characteristics**," as recited in claim 1.

Furthermore, Fields, as is evident form the portions cited in the Office Action, not only fails to disclose the elements of claim 1 but also teaches away from the invention of claim 1. For example, Figure 3 of Fields discloses that if a calibration profile does not exist for a client machine, the image is not corrected, but rather a default version of the image is served. (Fields, Fig. 3, blocks 62 and 64.) In contrast, claim 1 recites "determining the unavailability of client computer image display characteristics" first, and then "selecting a set of default image display characteristics to adjust the requested image."

At column 2, lines 14-42, also cited in the Office Action, Fields discloses that an image is modified "on-the-fly" *for a specific client machine according to calibration parameters for that machine.* Fields continues explaining that each user of a client machine may provide calibration data to the server, which then serves different color-adjusted versions of the image *to the respective client machines* as a function of that data. Thus, for example, one particular user [of a first client machine] might receive a version of the image that has been color-adjusted to alter a given hue. Yet another user [of a second client machine] might receive a version of the image that has been color-adjusted to alter a given saturation. Thus, image correction in Fields is directly related to calibration parameters of a specific machine, which in turn, depends solely on the image display characteristics of that specific machine. In contrast, claim 1 recites operations to adjust

3

the requested image in accordance with the set of characteristics for display on the client computer, where the set of image display characteristics are "unrelated to the image display characteristics of the client computer."

Thus, Fields fails to disclose or suggest, and, in fact, teaches away from "selecting a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer, the set of default image display characteristics being unrelated to the image display characteristics of the client computer, " as recited in claim 1.

Because Fields and Swen, whether considered separately or in combination, fail to disclose or suggest each and every element of claim 1, claim 1 and its dependent claims are patentable and should be allowed in view of Fields and Swen combination.

3.   Conclusion

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 720-8300.

Respectfully submitted,

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